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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,734	03/25/2002	Toshiyuki Toyofuku	KYOW:055	9710

7590 10/06/2003
Parkhurst & Wendel
1421 Prince Street
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EXAMINER

GHATT, DAVE A

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 10/06/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/070,734

Applicant(s)

TOYOFUKU ET AL.

Examin r

Dave A Ghatt

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-8 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6-8, and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Schechter (US 3,288,323). As illustrated in Figures 1-3, 9, and 10, Schechter teaches a holding mechanism for holding a replacement ink ribbon. The holding mechanism of Schechter comprises a first holding member (element 10 in Figure 1, and element 20 in Figure 9) having a feed bobbin receiving portion for receiving and holding the feed bobbin and a reel bobbin receiving portion for receiving and holding the reel bobbin, with the first holding member having an opening at the top. Schechter also teaches a second holding member having a plate-shape (element 11 in Figure 1 and element 22 in Figure 9) for covering the opening of the first member. As outlined in column 4 lines 6-33 and column 5 lines 15-19, Schechter teaches the first member made of polyethylene (synthetic resin). Column 5 lines 15-19 also teach the second holding member made of paper. Column 2 lines 18-24 teach the requirement for the second holding member to have a cut planned line. This feature is also illustrated in Figures 1 and 9.

The applicant should note that none of the claims require an ink ribbon with a feed bobbin and a reel bobbin as recited. Also, with respect to the requirement for a feed bobbin-

receiving portion and a reel bobbin-receiving portion, the applicant should note that structures 10 and 20 meet this requirement because they can both receive the bobbins.

With respect to claim 2 and the requirement for a wind slack preventive portion, any wall portion of the holding member 10 can meet this requirement by securely holding the bobbins and thereby preventing unwinding.

With respect to claim 3, structures 10 and 20 meet the requirement for a flange-receiving portion because they can both receive the flanges.

With respect to claim 6, as illustrated in Figures 1, 2, and 9, the first holding portions (10 and 20) include supports (not numbered) such that when the holding mechanism is disposed on a plane surface with the opening facing upward, the opening is substantially parallel with the plane surface.

With respect to claim 7, the bottom surfaces of the holding mechanisms illustrated in Figures 1 and 9 are both flat.

With respect to claim 8, the apparatus of Schechter includes structure wherein the feed bobbin receiving portion and the reel bobbin receiving portion of the first holding member (10, 20) are so positioned that the feed bobbin and reel bobbin receiving portions can receive and hold the reel bobbin at various intervals, including an interval identical with that between the feed bobbin and the reel bobbin when printing.

With respect to claims 10 and 11, as illustrated in Figures 1 and 9, the second holding member has a cut-planned line substantially at a center *portion*. Also, the cut-planned line as outlined in column 2 lines 18-24, must include some sort of perforations.

With respect to claim 12, any mark or element of the second holding member that faces the first holding member, meets the requirement for an index as broadly recited. For example, element 12 as illustrated in Figures 1 and 9, meets this limitation.

Allowable Subject Matter

3. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 4 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total combination claimed, including a lock portion located at each flange receiving portion of the feed bobbin receiving portion and the reel bobbin receiving portion, which engages with a corresponding engagement portion of the flanges to function as a wind slack preventive portion.

Claim 5 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total combination claimed, including a wind meandering preventive portion for preventing wind meandering of the strip film by contacting one side of the strip film so as to define lateral movement of the film.

Conclusion

4. The examiner has considered the amendment filed June 23, 2003. The examiner has applied a new reference to reject claims 1-3, 6-8, and 10-12. The present office action remains

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non-final because the use of the new reference (Schechter) was not necessitated by the amendment.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A Ghatt whose telephone number is (703) 308-2417. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3431.

DAG
September 23, 2003



ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800